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# Travel Planning

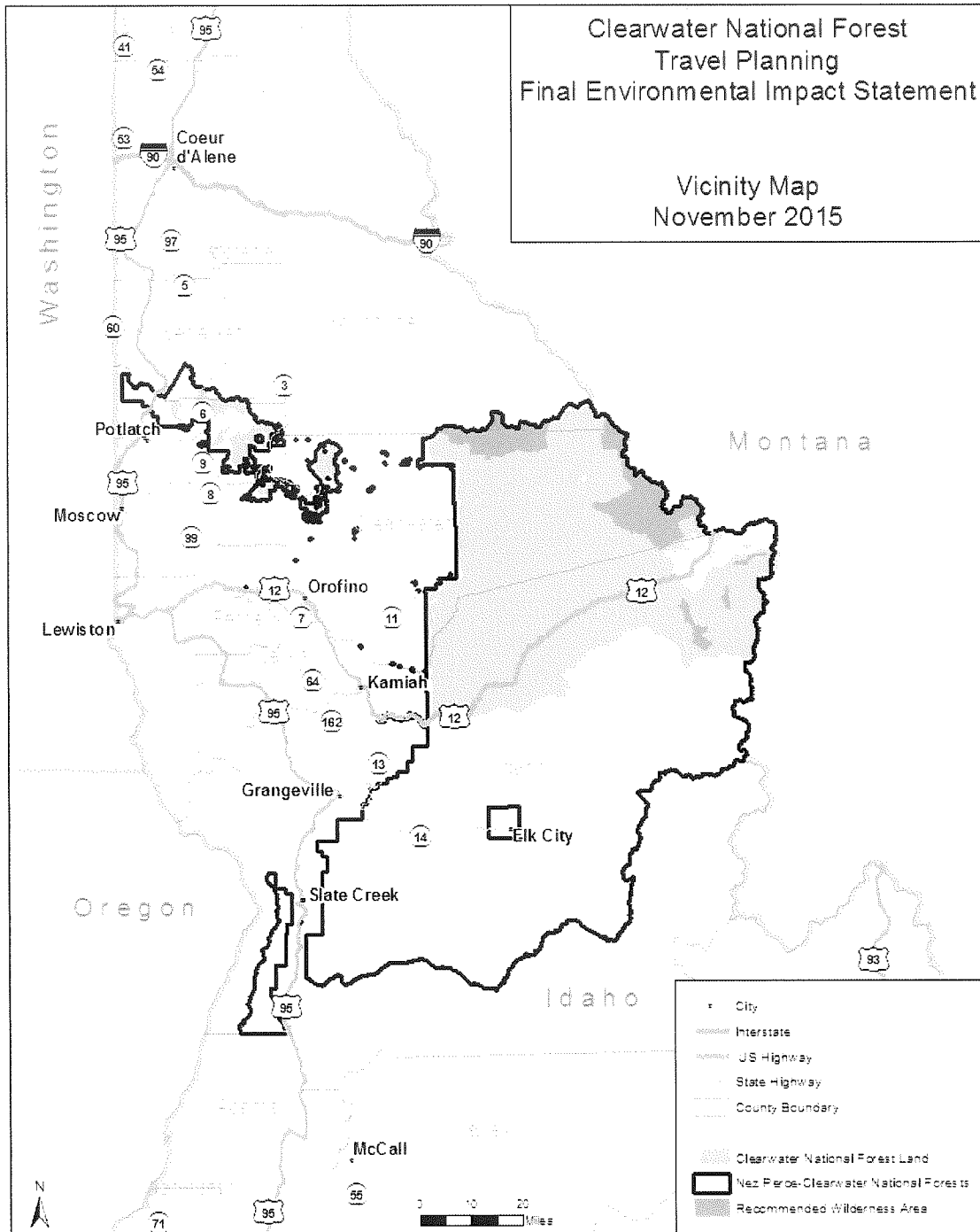
## **FINAL** Record of Decision For Recommended Wilderness Areas





# Clearwater National Forest Travel Planning Final Environmental Impact Statement

Vicinity Map  
November 2015





## RECORD OF DECISION

### Travel Planning – Recommended Wilderness Areas

Clearwater National Forest  
Idaho, Clearwater, Latah, Benewah, and Shoshone Counties, Idaho

October 2017

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**Abstract:** This Final Record of Decision (ROD) identifies the alternative selected by the Forest Supervisor for Travel Management in Recommended Wilderness Areas (Clearwater Forest Plan Management Area B2) (1987) within the Nez Perce-Clearwater National Forests. It documents the Forest Supervisor's rationale for the selection of Alternative C Modified, as described in the Clearwater National Forest Travel Planning Final Environmental Impact Statement (FEIS) (2011). Alternative C Modified minimizes effects on Management Area B2 resources and values identified in the Clearwater National Forest Plan (1987), and addresses Forest Service Manual direction for management of Recommended Wilderness Areas (RWAs). Alternative D is the environmentally preferred alternative for RWAs. Alternative C Modified is the selected alternative because it best balances management direction for recreation opportunities in RWAs with Forest Plan direction for other resources.

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## **INTRODUCTION**

Over-snow vehicles were included in the Clearwater Travel Planning analysis so that suitable areas, routes, and seasons for their operation could be identified and provided consistent with management direction in the Clearwater Forest Plan.

Forest Supervisor Rick Brazell issued his Clearwater Travel Planning Record of Decision (ROD) in January 2012. At that time, Forest Service Regional Office documents described as “guidance for Forest planning, including planning for Recommended Wilderness Area (RWA) management,” intended to assist Region 1 Forests during the Forest Plan revision process, may have been misinterpreted as direction to categorically remove motorized travel from RWAs.

RWAs are described in the 1987 Clearwater Forest Plan as Management Area B2.

To resolve litigation on the RWA portion of the 2012 ROD, the Forest Service agreed to prepare a new decision. I am the current Forest Supervisor for the Nez Perce-Clearwater National Forest, and this ROD reflects my decision regarding motorized travel in RWAs and clarifies how I reached this decision. Specifically, my decision is based on the applicable direction in the Clearwater Forest Plan and the direction in the Forest Service Manual (FSM 1923.03(3)), which states:

“Any area recommended for wilderness or wilderness study designation is not available for any use or activity that may reduce the wilderness potential of an area.”

This decision only revisits those portions of the January 2012 decision that pertain to motorized and mechanized travel in RWAs (Clearwater Forest Plan Management Area B2). In making this decision I was guided by the Forest Plan, the Forest Service Manual, the 2005 Travel Management Rule, and the analysis in the Final Environmental Impact Statement (FEIS) (2011).

The issue of whether to allow motorized and mechanized travel in RWAs was raised by many members of the public, on both sides of the issue, and was thoroughly evaluated in the FEIS. No significant new information regarding the effects of travel management in RWAs has come to my attention or been developed since publication of the FEIS, which discloses the potentially significant environmental impacts of the alternatives considered. Accordingly, no supplement to the FEIS is required and the FEIS remains adequate for the decision made in this ROD.

## **BACKGROUND**

Executive Order (EO) 11644 (February 8, 1972), “Use of Off-Road Vehicles on the Public Lands,” as amended by EO 11989 (May 24, 1977), directs Federal agencies to ensure that the use of off-road vehicles on public lands will be managed to protect

resources, to promote the safety of Forest users, and to minimize conflicts among the various Forest uses.

The 1987 Clearwater National Forest Plan was prepared when motorized use levels were considerably lower than they are today. The issue of motorized and non-motorized recreation opportunities was not explored in depth in the 1987 Forest Plan because there were few user conflicts and resource issues at that time were few. Except for those lands reserved as part of the Selway-Bitterroot Wilderness complex (259,165 acres), where motorized and mechanized uses were prohibited, the remaining 1.837 million acres of the Forest were open to motorized and mechanized uses except where routes or areas had been closed to those uses through a site-specific analysis. At the time the Forest Plan was adopted, there were 950,311 acres of inventoried roadless areas. The Forest Plan recommended three areas totalling 198,200 acres to be designated by Congress as Wilderness. Prior to the adoption of the 2005 Travel Management Rule, the Forest was open to motorized and mechanized uses unless specifically closed by order. This regulatory structure required analysis, a formal decision, and a Forest Supervisor-issued closure order before restrictions on motorized travel could be implemented.

Between 1988 and 2006 the use of motorized recreational vehicles increased significantly. The average annual growth rates in registration of all-terrain vehicles (ATVs), off-highway vehicles (OHVs), and motorbikes was 364% for Idaho County and 173% for the five North Central Idaho counties (FEIS 3-190). Meanwhile, over the period between 1999 and 2008, the inflation-adjusted annual budget for the Clearwater National Forest declined by 29% (FEIS 3-200). The regulatory structure of “open unless specifically closed,” when combined with the increased popularity and capability of ATVs, OHVs, motorbikes, and snow machines (FEIS 3-192 through 3-194) and declining management financial resources to monitor and correct damage from motorized uses, over time led to the establishment of motorized uses in many areas on the Forest where it was not specifically prohibited by the 1987 Forest Plan.

The 2005 Travel Management Rule requires National Forests to designate roads, trails, and areas that are open to motorized use. In the current regulatory structure, and with an eye toward the future of the Forest, its resources, and its users, there is a need to identify routes and areas most suitable for motorized, non-motorized, and non-mechanized travel.

The Clearwater National Forest transportation system has been monitored since the Forest Plan was published in 1987, and over time, adjustments have been made. The 2012 Travel Plan represented the culmination of individual management decisions made since 1987 that were based on monitoring, public involvement and comments, and efforts to minimize effects on resources.

## **PURPOSE AND NEED FOR ACTION**

The Purpose and Need statement described in this section was included in the 2011 Clearwater Travel Planning FEIS. This decision responds to the Purpose and Need to address management in RWAs/MA B2; therefore, only the Purpose and Need statement pertaining to RWAs is listed here. This Purpose and Need statement is essentially the

same as discussed in the January 2012 ROD and 2011 FEIS (ROD-10 through ROD-13; FEIS 1-26 through 1-30).

### **2005 Travel Management Rule (TMR): Designation of Motorized Routes**

#### ***Recommended Wilderness***

The Existing Condition: The Forest Plan recommends some areas (Management Area B2) (MA B2) for wilderness designation, and provides goals, objectives, and standards for the management of those areas until Congress acts (Forest Plan p. III-36-39). Prior to the issuance of the 2012 ROD, summer motorized travel was allowed on some trails, and over-snow vehicles and mechanized vehicles like bicycles were allowed without restriction in all of the RWAs.

The Desired Condition: Areas that were recommended for wilderness designation must be managed to protect and preserve their wilderness character, consistent with the goals and objectives described for these areas in the Clearwater Forest Plan. Forest Plan forest-wide management direction includes direction to: a) maintain potential wilderness values in those areas that are being recommended for wilderness classification (Forest Plan Forest-wide Goal, p. II-1), and b) manage recommended additions to the wilderness system to prevent changes in character that would be inconsistent in wilderness until Congress makes classification decisions (Forest Plan Forest-wide Standard, p. II-23). Forest Plan direction for MA B2 includes direction to: a) manage each recommended wilderness to protect its wilderness character (Forest Plan Goal, p. III-36), and b) manage all uses to maintain wilderness qualities and retain semi-primitive settings (Forest Plan Standard, p. III-36). "Semiprimitive Recreation Setting" is defined as a classification on the Recreation Opportunity Spectrum that characterizes a predominately natural or natural-appearing environment of moderate to large size. Concentration of users is low, but there is often evidence of other area users. The area is managed in such a way that minimum onsite controls and restrictions may be present, but are subtle (Forest Plan Part B, VI-29).

**Need: There is a need to evaluate the motorized and mechanized activities that currently occur in RWAs, and to manage those uses so that they do not adversely impact the wilderness character of those areas.**

## **ALTERNATIVE DEVELOPMENT**

The January 2012 ROD and FEIS discussed development of alternatives in detail (FEIS 2-59 through 2-78; ROD-13 through ROD-14). Only those aspects of alternative development that pertain to RWAs are repeated here. The alternative development discussion from the 2012 ROD that is relevant to the decision at issue here is included below.

Public involvement efforts began in 2005 and continued through the appeal period for the January 2012 Record of Decision. The Clearwater National Forest's 2005 Travel Guide was released to the public in July 2005. It described the roads and trails in the 2005 Travel Guide as the Clearwater National Forest's idea of what a designated system

should include. The Forest requested suggestions for motorized routes that were not already part of the system described in the 2005 guide. From 2006 through 2010, Forest representatives met with local and state governments, the Nez Perce Tribe, and various industry and recreational groups to share information about the Forest's travel planning efforts and to solicit participation. Meetings with state and local governments included:

- Idaho Department of Fish and Game: 10/4/2007, 1/22/2008, 11/17/2008, 3/4/2010, 5/3/2010
- Idaho Department of Parks and Recreation: 11/3/2009, 5/3/2010. An Idaho Department of Parks and Recreation representative participated as a member of the interdisciplinary team during development of the DEIS.
- Clearwater County Commissioners: 7/24/2006, 8/7/2006, 12/4/2006, 1/28/2008, 7/28/2008, 4/6/2009, 9/2/2009, 2/23/2010, 4/9/2010
- Idaho County Commissioners: 9/2/2009, 2/24/2010, 4/9/2010
- Latah County Commissioners and Latah County Sheriff: 8/11/2009, 8/17/2009
- Lewiston Chamber of Commerce: 10/4/2005
- Orofino Chamber of Commerce: 11/1/2007, 1/27/2008, 8/11/2008
- Pierce City Council: 4/13/2009
- Nez Perce Tribe: 5/25/2006, 5/15/2009
- Clearwater Basin Collaborative: 7/22/2009
- Regional Director Mitch Silvers, representing U.S. Senator Mike Crapo's office: 12/7/2007

The Forest received over 4,000 scoping comments.

The Draft Environmental Impact Statement (DEIS) was advertised for public comment from July 17, 2009 through October 2, 2009. The Forest used 545 comment documents (over 3,000 individual comments) that were received in response to the 2009 extended comment period for the DEIS to develop alternatives for analysis in the FEIS.

The Record of Decision was advertised for a 45-day appeal period beginning January 12, 2012. In response to the appeals that were received, the Region 1 Regional Forester upheld the January 2012 decision. The public involvement process is described in detail in the "Public Involvement" section of this Final ROD, beginning on page ROD-26.

Three lawsuits were eventually filed challenging the Forest Supervisor's January 2012 decision. These are described in detail in the "Litigation and Updated Decision" section of this Draft ROD beginning on page ROD-5.

The DEIS evaluated Alternative C: “Motorcycle Loop Trails and Wildlife Habitat,” which was designed to move wildlife and RWA resource conditions toward their desired condition as well as provide motorized single-track and loop trail opportunities. In response to comments on the DEIS, the Interdisciplinary Team (IDT) developed Alternative C Modified for analysis in the FEIS. Alternative C Modified is based on Alternative C but includes additional motorized trail opportunities (See FEIS 2-79). Alternatives C and C Modified are identical with respect to management of RWAs. Alternative C Modified would prohibit motorized and mechanized use within the RWAs with the exception of summer use of Fish Lake Trail (Trail 419) to Fish Lake.

The action alternatives that were developed by the IDT for analysis in the FEIS respond to public comments that were received during scoping and comments that were received for the DEIS, as well as the purpose and need for action that has been described for this decision. Other alternatives considered in detail include Alternative B, which would retain motorized and mechanized uses in RWAs; and Alternative D, which would remove motorized and mechanized uses from RWAs, and would also close Fish Lake Trail to motorized and mechanized uses. The alternatives are described in detail in the FEIS, in Chapter 2 and the Appendices.

## **LITIGATION AND UPDATED DECISION**

Three lawsuits were eventually filed in the District of Idaho challenging the Forest Supervisor’s January 2012 Travel Planning decision:

The Idaho State Snowmobile Association (ISSA) and The Blueribbon Coalition (BRC) filed a complaint in August 2012 (3:12-cv-00447-BLW).

The Friends of the Clearwater (FOC), Alliance for the Wild Rockies (AWR), and the Sierra Club (SC) filed a complaint in December 2013 (Case 3:13-cv-00515-EJL).

Clearwater and Idaho Counties, Idaho, (Counties) filed a complaint in December 2013 (3:13-cv-00519-EJL).

The Forest Service is making this new decision regarding travel management in four RWAs to resolve the ISSA/BRC lawsuit. To resolve this lawsuit, the Forest Service is required to make a new decision regarding travel management in the four RWAs. The Draft ROD and FEIS was issued for Objections on July 7, 2016. Thirteen objections were filed. I met with objectors over the phone, video teleconference and in person. An Objection Review Panel was convened in September 2016.

This Final ROD is the new decision that responds to terms of the settlement of the ISSA/BRC lawsuit.

On March 11, 2015, Judge Edward J. Lodge issued a Memorandum Decision and Order for the FOC/AWR/SC lawsuit. This Final ROD does not specifically address Judge Lodge’s order or the issues remanded for further consideration in that case.

On June 16, 2017 the Idaho District Court granted the Forest Service's motion for summary judgment in the Counties' lawsuit.

## **DECISION AND REASONS FOR THE DECISION**

### ***DECISION***

After careful consideration of the potential effects of the alternatives disclosed in the FEIS, I have selected Alternative C Modified as the Travel Management Plan for RWAs within the Nez Perce-Clearwater National Forest. Alternative D (which would close Fish Lake Trail (Trail 419) to Fish Lake) is the environmentally preferred alternative for RWAs. However, I find that there are minimum resource tradeoffs with Alternative C modified and they are acceptable to retain the popular summer recreation use of Fish Lake Trail (Trail 419). My decision is described in detail below and supported by the maps and information included in the FEIS.

Alternative C Modified was added to the alternative array for the FEIS in response to comments received for the DEIS. Alternative C Modified was based on Alternative C as evaluated in the DEIS, so many features of these two alternatives are the same. Within RWAs, Alternative C and Alternative C Modified are identical. This decision selects the portions of Alternative C Modified that apply to RWAs.

Over-snow motorized vehicle use will be restricted yearlong in Management Area B2, and on Fish Lake Trail (Trail 419).

Motorized and mechanized travel will be restricted yearlong on all trails in Management Area B2, except for Fish Lake Trail (Trail 419), to protect wilderness character of the areas as it existed when they were recommended for Wilderness designation in the Forest Plan. Fish Lake Trail (Trail 419) will remain open to summer motorized and mechanized traffic.

Alternative C Modified will not include user-suggested motorized routes in Management Area B2 since additional motorized use would run counter to Management Area goals for those areas.

### **Bicycles**

Motorized and mechanized travel in RWAs, including bicycle travel, will not be permitted except for summer motorized and mechanized travel on Fish Lake Trail (Trail 419).

### **Tribal Treaty Rights**

All of the action alternatives would maintain access to areas important to all Native American Tribes who use the Clearwater National Forest, and would preserve local

Native American culture by providing for the continued ability to practice tribal treaty rights and traditional uses of the Forest.

### **Endangered Species Act Section 7 Consultation**

As required by Section 7 of the Endangered Species Act, the Forest Service consulted with the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) regarding this decision. Both USFWS and NOAA issued Biological Opinions prior to the January 2012 Clearwater National Forest Travel Planning decision. The Forest is working with the regulatory agencies to ensure that the 2011 Biological Opinions are updated as needed. Our Forest Service biologists' reviews indicate that no new issues or species listings have occurred since the Biological Assessments and Biological Opinions were signed.

The Terms and Conditions included in the May 23, 2011 USFWS Biological Opinion were included in the 2012 ROD and this decision does not alter that incorporation.

On February 4, 2013 the USFWS issued a proposed rule to list the Distinct Population Segment (DPS) of North American wolverine in the contiguous United States as a threatened species under the Endangered Species Act. On August 13, 2014 USFWS withdrew this proposed rule. Recently USFWS has once again decided to consider a proposed rule to list the DPS of North American wolverine within the contiguous United States as threatened. In May of 2014, while the wolverine was initially proposed for listing, Region 1 of the U.S. Forest Service developed a Programmatic Biological Assessment (Programmatic BA) for activities routinely conducted on National Forest Service Lands within the Northern Region including the Nez Perce-Clearwater National Forest (the Nez Perce and Clearwater National Forests were administratively combined in 2013). This Programmatic BA relied on analysis presented in the Federal Register for the development of the original 2013 proposed rule and incorporated a category for Dispersed Recreational Activities including, among others, "off and on-road motorized use". USFWS's finding in the 2013 proposed rule was that Dispersed Recreational Activities were not a threat to the DPS of North American wolverine. On May 23, 2014 USFWS agreed with the U.S. Forest Service determination that the actions included in the Programmatic BA represented no jeopardy to the DPS of the North American wolverine. On June 15, 2016 USFWS issued a memo to the Regional Forester confirming that the May 2014 concurrence letter regarding the Programmatic BA remains valid. Therefore it is the determination of the Forest that administrative activities which affect Dispersed Recreational Activities including off and on-road motorized vehicle use proposed in the Clearwater Travel Plan fall under the Programmatic Biological Assessment as activities which represent no jeopardy to the DPS of North American wolverine."

The Canada lynx was listed as threatened under the ESA by the USFWS in March of 2000. Descriptions of lynx habitat preferences, paucity of historic and current records of lynx observations, risk factors, and the requirements of the Northern Rockies Lynx

Management Direction (NRLMD) have not changed since the signing of the Clearwater Travel Plan FEIS in 2011.

Currently the Clearwater National Forest is designated occupied secondary habitat by the USFWS but Critical Habitat has not been designated on the Forest. Recent litigation has resulted in the U.S. District Court for the District of Montana ordering USFWS to reconsider the Agencies Critical Habitat Designations and for the US. Forest Service to reinitiate consultation with USFWS on the NRLMD based on the designation of Critical Habitat. In immediate reference to the Clearwater National Forest the Court determined that the USFWS gave proper consideration to the primary constituency elements of lynx critical habitat. As such, the current designation of no Critical Habitat on the Clearwater National Forest stands.

## ***DECISION CRITERIA***

In making my decision for Travel Management in RWAs on the Clearwater National Forest, I focused on the following criteria:

### **Resource Protection**

I considered the degree to which my decision would achieve desired conditions (ROD-3) for resources, particularly wildlife species that are affected by human uses and areas recommended for Wilderness by the Forest Plan. I evaluated each alternative based on the following considerations:

- Would the alternative be consistent with laws, regulations, policy, the Forest Plan, and the Forest Service Manual?
- Would the alternative provide well-distributed opportunities for both OHVs and non-motorized uses of the Clearwater National Forest?
- Would the alternative provide winter recreation opportunities in both motorized and non-motorized settings?
- Would the alternative minimize potential adverse effects to Forest resources and protect wilderness character and not reduce wilderness potential in RWAs?
- Is the alternative feasible and practical to implement administratively?

### **Forest Plan Goals and Objectives**

I considered the degree to which each alternative would move Forest resources closer to the goals and objectives described in the 1987 Clearwater Forest Plan.



## **REASONS FOR THE DECISION**

In making my decision regarding RWAs, I looked at travel management in RWAs from a broad, Forest-wide perspective. Travel management decisions are often the most difficult because they affect how members of the public can use and enjoy their public lands. These decisions are weighty and need to be informed by guiding documents as well as information from stakeholders. During the objections process I met with citizens and organizations both in favor of and against my proposed decision. They identified conflicting science regarding impacts of motorized use on wildlife and had differing views of motorized and non-motorized use capacity. Most of the conflict was with the prohibition of winter motorized use in the RWAs. In discussions with the motorized users, I learned that there is significant interest in motorized use of these areas. I also learned that there is growing concern for impacts to some wildlife species while others cited ongoing studies that indicate snowmobile use may have less impact on wildlife than currently thought. Several objectors developed maps of solutions and potential compromises that would allow more over-the-snow motorized use.

This is a site-specific decision based on implementing the Travel Rule and the Forest Plan direction. The Clearwater Forest Plan provided direction for protecting wilderness characteristics and future designation. While I appreciate the opposition that motorized users have with my decision to close RWAs to motorized use except for the Fish Lake Trail (Trail 419), I believe doing so best complies with that Forest Plan direction. I encourage all participants in travel planning to stay engaged in the Forest Plan revision process. During that process we will determine what to bring forward as recommended wilderness and how to manage those areas. In that process, the proposed compromises that users have brought forward could be more fully considered and analyzed.

The following details the rationale for my decision. I was guided by the following criteria:

### **Summer Recreation Opportunities**

One concern was whether there were well-distributed opportunities for OHVs, bicycles, and exclusive non-motorized and non-mechanized uses of the Nez Perce-Clearwater National Forests.

Individuals and organizations that commented on the DEIS expressed interest in maintaining motorized access to particular, popular destinations including lakes, and ridgelines or peaks that provide expansive views. For persons seeking quiet recreation these opportunities are provided in RWAs, such as the Mallard Larkins, Moose Mountains, and Great Burn, as well as designated Wilderness where there will be no motorized use. These areas total approximately 457,000 acres, or about 25% of the 1.84 million acres within the Clearwater National Forest boundary. Motorized access to similar features are maintained in places like the Lolo Motorway, Fish Lake, the Elizabeth Lakes area, and ridgeline routes in Clarke Mountain, Sheep Mountain, and to a number of lookouts.

During scoping and the comment period for the DEIS, recreationists mentioned that motorized users desire ATV and/or motorcycle trail rides of varying lengths within a reasonable travel distance from local communities. Non-motorized users desire similar duration hiking, horseback riding, and mountain biking opportunities within the same distances from local communities. Commenters mentioned that trails open to motorized use do not provide the type of experience many non-motorized users are looking for. Motorcyclists as well as non-motorized users prefer relatively narrow or single track trails, and both groups appreciate trails that provide travel in a loop instead of back and forth on the same route. RWAs like the Mallard Larkins, Great Burn, and Selway Bitterroot Wilderness additions, as well as the Selway Bitterroot Wilderness, will provide the bulk of the exclusively non-motorized and non-mechanized opportunities.

The 1987 Clearwater Forest Plan does not explicitly address the use of bicycles and motorized use in semi-primitive settings in RWAs. These areas were recommended for Wilderness designation because they are undeveloped, untrammeled, and have outstanding opportunities for solitude or primitive forms of recreation. Semi-primitive settings can be either motorized or non-motorized (Forest Plan Part A, III-7 through III-9). The Forest Plan project file contains a number of documents indicating that non-motorized recreational use was the desired future condition for the RWAs (Forest Plan Project File, Volume 66, Documents 1153, 1156, 1157, 1160, 1163, 1166, 1168, 1179, 1180, 1181, and 1191) (Clearwater National Forest Travel Planning Administrative Record, Documents 1996 through 2006).

When the 2012 Travel Planning ROD was issued the wolverine was listed as a Forest Service sensitive species (FEIS 3-324). It has now been proposed for listing under the ESA by the Fish and Wildlife Service. Over-snow vehicle use may affect wolverine denning habitat. Human intrusion during the winter is probably the primary threat to wolverine (FEIS 3-324). Technological advances in snowmobiles have raised concerns about intrusion into previously isolated areas. Increases in motorized over-snow recreation have likely displaced wolverines from potential denning habitat or caused females to abandon occupied dens or attempt to move young (FEIS 3-325). There are approximately 750,000 acres of suitable wolverine denning habitat on the Clearwater National Forest (FEIS 3-324). Approximately 183,000 acres of suitable habitat is in Wilderness and protected from motorized over-snow disturbance (FEIS 3-325). Approximately 130,000 acres of suitable habitat is located in RWAs and will be protected from motorized disturbance by my decision.

Continuing to allow unregulated motorized recreation in RWAs would negatively impact naturalness, primitive character, opportunities for solitude, and wolverine. While some very low level of motorized use may have existed when the Forest Plan was developed, it was insignificant. As motorized uses continue to grow, such impacts would become more pronounced and the wilderness character of the areas as existed in 1987, when they were recommended for designation, would not be protected and potential for future wilderness designation would be reduced. Impacts of such uses to wildlife (particularly wolverine) and trail resources would also be expected to increase. Because these areas are large and remote, the Forest Service does not have the ability to effectively regulate the amount of

use if they remained open. Accordingly, managing the RWAs primarily for non-motorized uses is most consistent with Forest Plan direction for management of RWAs. For a discussion of my rationale for retaining summer motorized and mechanized use on the Fish Lake Trail (Trail 419), see “Rationale by Forest Plan Management Area, RWAs,” beginning on page ROD-14.

I recognize that my decision will somewhat reduce motorized opportunities, compared to the situation that existed prior to the 2012 ROD. My decision, however, represents my best effort at balancing competing interests while still achieving the management direction for these areas as reflected in the Forest Plan and Forest Service Manual. This decision will be reviewed for consistency with the new management direction for these areas as a result of the ongoing forest plan revision process. If forest plan management direction for this, or other, recommended wilderness areas is modified, the travel management decision would be altered to conform to the revised forest plan. My decision minimizes damage to soil, watershed, vegetation, and wildlife resources, while reducing conflicts between motor vehicle uses and existing or proposed recreational uses in the RWAs.

### **Winter Recreation Opportunities**

Public comments indicated that there is a need for winter recreation opportunities in both motorized and non-motorized settings. My decision emphasizes non-motorized activities in those areas recommended to Congress for Wilderness designation.

My decision does not change opportunities for snowmobile and other over-snow vehicle trips outside RWAs and this is where most motorized winter activity occurs (FEIS 2-68).

When the Forest Plan was prepared, winter cross-country travel in RWAs was not assessed (FEIS 3-135). This was likely due to the fact that such use was non-existent or negligible at the time. Snowmobiles of that era may not have been capable of operating in the steep rugged terrain of the RWAs. The Hoodoo (Great Burn) area was extremely difficult to access with over snow vehicles when the Forest plan was issued; now there is evidence that such use is occurring (FEIS 3-135). Motorized use can affect the naturalness of an area and the feeling of being undeveloped. Because it is a modern form of transportation it can affect the primitive character of an area. Noise associated with motorized use can affect the solitude of an area (FEIS 3-135). Some may argue that snowmobile use is a transient activity, and most evidence such as noise and tracks are gone during the summer months. However, the responsibility to manage to protect wilderness character is not seasonal. Allowing continuation of a use that degrades wilderness values only seasonally would not constitute protecting wilderness character.

Much of the Forest remains open to cross-country travel with over-snow vehicles during winter once the snow is deep enough to make this travel possible. Some snowmobilers desire a high altitude remote experience that might include hill climbing or “high marking.” Commenters expressed concerns over the loss of opportunities like this if RWA management prohibited motorized vehicles. This area is utilized increasingly by a growing number of snowmobilers of all ages desiring the challenging terrain and

backcountry experience. Motorized users of all ages have an affinity for this landscape and my decision will reduce their opportunities. During the objections process, the Forest learned that the user-base for the RWA's is larger than originally determined. This use, however, does not eliminate my obligation to protect wilderness character under the current forest plan.

I have talked to many stakeholders that hold views on all sides of this issue. In making my decision to eliminate most motorized travel in RWAs, I have given the most weight to the goal of retaining Wilderness character (Forest Plan page II-23) (FEIS 3-130) ("Manage recommended additions to the wilderness system to prevent changes in character which would be inconsistent in wilderness until Congress makes classification decisions."), including the need to provide outstanding opportunities for solitude or primitive unconfined recreation. This is further specified in the Forest Plan direction for MA B2 to: a) manage each recommended wilderness to protect its wilderness character (Forest Plan Goal, p. III-36), and b) manage all uses to maintain wilderness qualities and retain semi-primitive settings (Forest Plan Standard, p. III-36). The Clearwater Forest Plan requires that we manage all uses to protect wilderness qualities and maintain semi-primitive settings. While it could be argued that some snowmobile use would not preclude future wilderness designation by Congress, it would not be in compliance with the Forest Plan direction. I believe that it is best to allow the full discussion of how RWAs should be managed in the future to occur in the Forest Plan revision process. Designation and management of RWAs is a major component of the ongoing Forest Plan revision process that we are working collaboratively with the public to address.

Allowing motorized use in RWAs generally would not maintain wilderness qualities nor would it protect wilderness character. I believe that if I decided to allow motorized use in the RWAs, it could preclude future designation or predetermine decisions that could be made in a wilderness bill. Again, I believe my decision needs to preserve the wilderness qualities and character that existed when the 1987 forest plan was adopted so that the debate and final decisions can occur in the proper venue. I also believe that allowing over-the-snow motorized use would reduce the wilderness potential by allowing a non-conforming use to continue.

Prohibiting most motorized use in the RWAs in winter will minimize the potential for adverse effects to Forest resources. Though similar opportunities for high elevation snowmobile use exist regionally, the Great Burn area and some other locations on the Powell Ranger District will be missed by those who have previously snowmobiled there. The change, however, will emphasize primitive recreation and protection of wilderness character. My most important objective is to manage motorized uses as necessary to minimize potential adverse effects to Forest resources, and to protect wilderness attributes in RWAs.

Motorized and bicycle travel in RWAs has developed and increased since the Forest Plan was adopted. Eliminating motorized and bicycle travel in RWAs except for summer motorized travel on Fish Lake Trail (Trail 419) will best protect wilderness attributes in RWAs. There is often an inverse relationship between the level of human uses of the

Forest, and the condition of other resources, as is evidenced by the effects analysis disclosed in Chapter 3 of the FEIS. For example, as motorized use increases, wildlife habitat security often decreases. The Idaho Fish and Game has reported a reduction in mountain goats in an area where unauthorized winter motorized use has been documented. Motorized use can also cause soil disturbance in the form of compaction, displacement, rutting, and erosion (FEIS 3-280). Generally speaking, potential adverse environmental impacts in RWAs, particularly from potential increases in motorized use, were a factor I considered in not choosing the other alternatives. Because of the direction to protect wilderness character in RWAs, potential impacts to wildlife and fisheries were also factors in my decision. My decision minimizes adverse effects on RWAs and complies with applicable laws, regulations, policies, and the Forest Plan.

## **MINIMIZATION**

When designating National Forest System trails and areas on National Forest System lands, the 2005 Travel Rule requires Forests to consider effects on Forest resources, with the objective of minimizing (2005 Travel Management Rule 68289-68290):

1. Damage to soil, watershed, vegetation, and other forest resources;
2. Harassment of wildlife and significant disruption of wildlife habitats;
3. Conflicts between motor vehicle use and existing or proposed recreational uses of National Forest System lands or neighboring Federal lands; and
4. Conflicts among different classes of motor vehicle uses of National Forest system lands or neighboring Federal lands.

The minimization direction does not supplant multiple use planning. Rather the Travel Management Rule, as stated by the Ninth Circuit Court of Appeals, “requires the Forest Service to comply with the minimization criteria in a manner that is feasible, prudent, and reasonable in light of the agency’s multiple-use mandate.” (*WildEarth Guardians v. Mont. Snowmobile Ass’n.*, 790 F.3d 920, 930 n.10 (9th Cir. 2015)). Providing diverse recreational opportunities, including motorized and mechanized recreational opportunities, in the manner and degree the agency believes best meets management direction and public interest, are valid multiple use objectives. Thus, it is entirely reasonable to have two alternatives with different amounts of motorized recreation opportunity, while complying with the minimization criteria, given their different management emphasis.

In the case of RWAs the management direction in the Forest Plan and Forest Service manual is clear: preserve the areas’ wilderness potential and protect their wilderness character. I believe my decision best meets this goal while balancing management direction for other resources. Closing the RWAs to motorized use (with the exception of Fish Lake Trail (Trail 419)) eliminates damage to soil and watershed, particularly from potential future increases in use. My decision also eliminates potential significant

disruption to wolverine denning habitat, some 130,000 acres of which is in RWAs. Idaho Fish and Game has also been increasingly concerned with the impact of snowmobile use, now unauthorized, on mountain goats in the RWA (Notes IDFG Coordination Mtg July 2017). There is evidence in other areas where snowmobiles have not impacted mountain goats, however. Finally, my decision eliminates potential conflict between motorized recreationists and those seeking solitude or non-motorized recreation opportunity. I recognize, however, that winter non-motorized recreational use is limited in the interior of the RWAs. I considered the criteria in the Travel Planning rule and my decision meets the objective of minimizing the effects of the action by emphasizing non-motorized recreation in the RWAs, or, in the case of Fish Lake Trail (Trail 419), ensuring that the trail meets all best management practices to reduce impacts from motorized use. (See Rationale by Forest Plan Management Area, RWAs, ROD-14 to ROD-16).

### **Forest Plan Standards, Goals, and Objectives**

The Forest Plan provides overarching direction for the management of Forest resources. All selected actions must comply with Forest Plan standards.

The following table discusses how this decision complies with the Forest Plan.

**Table ROD-1: Compliance with Forest Plan Standards in RWAs (MA B2)**

<b>Resource</b>	<b>Area</b>	<b>Standard</b>	<b>Compliance Will Be Achieved By</b>
General	Forest-wide	Comprehensive area transportation planning. (FP pg. II-21)	This decision, in conjunction with the 2011 ROD was based on Forest wide analysis
Recreation and Visual	Forest-wide	Use the Recreation Opportunity Spectrum (ROS) and Recreation Opportunity Guide (ROG) as guides to provide a full array of recreation. (FP pg. II-21)	The ROS and ROG were used in development of the selected alternative. See the FEIS, Appendix E for a discussion of the effects analysis for Recreation and the use of ROS for this analysis.
Recreation and Visual	Forest-wide	Designate areas, roads, and tracts for off-road vehicle (ORV) use in accordance with management area goals and standards. (FP pg. II-21).	The 2011 ROD and this decision designate travel routes consistent with direction outlined in Appendix F of the Forest Plan. Please see specific items elsewhere in this table for a discussion of MA-specific Forest Plan standards.
Wilderness	Forest-wide	Manage recommended additions to the wilderness system to prevent changes in character which would be inconsistent in	To protect wilderness character, the selected actions will eliminate

Resource	Area	Standard	Compliance Will Be Achieved By
		wilderness until Congress makes classification decisions. (FP pg. II-23)	most motorized travel in recommended wilderness areas.
Wilderness and Unroaded	Forest-wide	Manage recommended additions to the wilderness system to prevent changes in character which would be inconsistent in wilderness until Congress makes classification decisions. (FP pg. II-23)	Motorized and mechanized travel in Recommended Wilderness will not be permitted except for summer motorized travel on Fish Lake Trail (Trail 419).
Recommended Wilderness	B2 Recreation	Manage all uses to maintain wilderness qualities and retain semiprimitive settings. (FP pg. III-36)	The selected actions protect wilderness character by eliminating most motorized travel in RWAs.
Recommended Wilderness	B2 Facilities	Do not construct new Forest system roads. (FP pg. III-39)	The selected actions will not construct new system roads.

### **Rationale by Forest Plan Management Area**

#### ***Recommended Wilderness Areas (RWAs)***

The Clearwater Forest Plan (1987) identified 16 Inventoried Roadless Areas (IRAs) totaling 950,311 acres, of which 198,200 acres were recommended for wilderness designation, including; portions of Hoodoo, Mallard Larkins, North Fork Spruce - White Sand, and Sneakfoot (Forest Plan Record of Decision p. 11). Areas recommended for wilderness in the Clearwater Forest Plan (1987) are defined in the plan as Management Area (MA) B2 (Forest Plan p. III-36-39). Lands allocated to MA B2 meet the criteria for being considered by Congress for wilderness designation.

Of the four RWAs, Hoodoo (Great Burn) and Mallard-Larkins are contiguous to areas on other National Forests that have also been recommended for Wilderness designation. The Selway-Bitterroot additions (North Fork Spruce – White Sand, and Sneakfoot) are contiguous to the existing Selway Bitterroot Wilderness for Hoodoo and Mallard-Larkins the management of motorized and mechanized (bicycle) transportation, as well as non-motorized travel, was not consistent across Forest boundaries. The Idaho Panhandle and Lolo National Forests manage their portions of the Mallard-Larkins and Hoodoo (Great Burn) areas respectively, for non-motorized recreation in both summer and winter.

The 1987 Clearwater Forest Plan identified RWAs only as Semi-Primitive areas, but the Recreation Opportunity Spectrum discussion did not explain whether those areas would provide “motorized” or “non-motorized” uses, and did not address bicycles. The Forest Service interprets this direction to allow either motorized or non-motorized uses in MA B2. The Forest Service has the discretion to determine how to balance wilderness character with motorized use.

Motorized and mechanized uses in these RWAs have increased over the years as technology for motorized and mechanized equipment has advanced and the user base has expanded. This trend is likely to continue (FEIS Appendix E-11). The direction for RWAs in the Forest Plan is: “Manage recommended additions to the wilderness system to prevent changes in character which would be inconsistent in wilderness until Congress makes classification decisions,” (Forest Plan p. II-23). As advances in snowmobile technology have occurred, RWAs on the Forest have become increasingly used by snowmobilers seeking “high-marking” play areas. Overflights in the Hoodoo (Great Burn) in 2000, 2004 and 2017 noted numerous areas where this use was occurring (FEIS Appendix E-15). Snowmobile use is also occurring in the Selway Bitterroot additions. The increasing levels of snowmobile use resulting from advancements in sled technology and more public interest, incrementally deteriorate the areas’ ability to offer outstanding opportunities for solitude and primitive unconfined recreation opportunities and impacts the areas’ natural integrity due to impacts on wildlife (particularly wolverine) and non-motorized/non-mechanized recreation resources (FEIS Appendix E-15). These increasing impacts incrementally decrease wilderness character, possibly jeopardizing the areas’ recommendations for future Wilderness designation. Therefore, they do not meet the direction of the Forest Plan to protect wilderness character and would affect potential wilderness designation.

To meet the direction for management of RWAs I decided to exclude motorized and mechanized vehicles from all RWAs with the exception of the Fish Lake Trail (Trail 419), which will remain open to summer motorized and mechanized use. I believe that this action best addresses the overall direction of the Forest Plan regarding the future of RWAs, and best complies with the Forest Manual. I am making one exception for summer use of the Fish Lake Trail (Trail 419), which is centralized in a small, localized area along the boundary of the Hoodoo (Great Burn) RWA. I am doing this for five reasons:

First, this trail is established on a former dozer road that once supported large vehicle traffic. Motorized use of this trail was well established in 1987 but the area was nevertheless included in the Hoodoo RWA in the 1987 Forest Plan. Shortly after the Forest Plan was completed, a group of volunteers worked extensively to convert the former dozer road into an ATV trail that provides short and gentle access to Fish Lake. They worked carefully to install resource protection facilities to limit motorized use to the access trail and campsite-specific parking areas. These resource protection measures are currently enforced under a Forest Supervisor Order. In addition, the resource impacts to wilderness character are limited to the area accessing Fish Lake. Over 110,000 acres of the Hoodoo Inventoried Roadless Area (IRA) would be unaffected by retaining this motorized access. The trail provides access to Fish Lake for many people who don’t have the capability to ride on most ATV trails.

Second, although the Forest Plan recommendation for wilderness included this trail, the most recent revision of Wilderness legislation crafted by a member of the Idaho Congressional delegation did not.



Third, I am restricting winter use of this trail in its entirety. The trail itself, without access to adjoining lands and without a notable winter destination, provides little in the way of a snowmobile opportunity. If left open in winter, it more likely than not would facilitate motorized intrusions into adjacent restricted lands.

Fourth, unlike summer use, winter use is an area-based, rather than route-based, opportunity for motorized vehicles; therefore, expanding the evaluation area beyond the Forest boundary is prudent. I reviewed Lolo National Forests Missoula and Ninemile Ranger District's Over Snow Vehicle User Maps which show that the adjacent portion of the Great Burn roadless area has been restricted for many years to over-snow vehicles. Similarly, eliminating over-snow vehicle use in the Fish Lake area will result in consistent management practices across the boundary between these National Forests.

Fifth, continued summer motorized and mechanized use of the Fish Lake Trail (Trail 419) is a compromise that will allow some well-regulated motorized and mechanized recreational uses to continue, while moving other areas within RWAs closer to the goals established in the Forest Plan.

### **Rationale for Other Components of the Travel Management Plan**

#### ***Bicycles***

Although not restricted, there was little evidence of bicycle use in the RWAs when the Forest Plan was adopted. There is little present mountain bike use within the RWAs with the exception of Fish Lake Trail (Trail 419) to Fish Lake, because the trails are difficult and not designed for bicycles. However, bicycle travel, while arguably less impactful to wilderness character than motorized travel, still has the potential to impact opportunities for solitude and primitive recreation, which are essential attributes of wilderness character. In addition, visitor conflicts could result from mixing mountain biking with hiking and equestrian use, where visitors are expecting to encounter uses compatible with the primitive recreation emphasis of recommended wilderness. There is little evidence bicycle use was occurring in RWAs when the analysis for the Forest Plan was conducted, probably because bicycle technology in 1987 had not progressed to the point where bicycles were capable of navigating the steep, rugged terrain (FEIS 3-129). Vast improvements in bicycle technology have occurred since adoption of the Forest Plan, which now makes this use more feasible. With the explosive growth in the popularity of mountain biking, it is expected that use will grow over time. Given that this is essentially a new use not present when the RWAs were established, to retain the wilderness character of these areas I decided to exclude bicycles in RWAs with the exception of the Fish Lake Trail (Trail 419). This issue is discussed further in the RWA section of this Draft ROD. Forest-wide there remain 988 miles of trails open to bicycles and 4,354 miles of Forest roads (FEIS 3-97, Table 3-2). The Forest continues to provide a wide variety of bicycle opportunities of varying challenge and in a variety of settings

#### ***Over-snow Vehicles***

In making this decision I also considered opportunities for over-snow vehicle use in adjacent high alpine areas. All Inventoried Roadless Areas (IRAs), with the exception of

those recommended for wilderness designation (Hoodoo, Mallard Larkins, North Fork Spruce-White Sand and Sneakfoot Meadows), remain open to snowmobiling, so there will continue to be opportunities for over-snow motorized recreation in back-country areas. I recognize, however, that this decision does eliminate a challenging backcountry experience that a growing number of stakeholders previously enjoyed. This will be considered in the ongoing Forest Plan revision process where wilderness recommendations will be made and plan components developed for how to manage those areas. I have encouraged the over-snow users to stay engaged in that process.

### **Consideration of the Issues**

Issues include unresolved conflicts regarding effects of the proposed action that are identified during internal and external scoping efforts. Section 1501.7 of the Council on Environmental Quality NEPA regulations requires the Forest to “identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (Sec. 1506.3).”

The following significant issues were used to develop the alternative array in the FEIS.

### **Significant Issues**

#### ***Effects on Motorized/Non-motorized Recreation and Wilderness Character***

Comments associated with areas recommended for wilderness by the Forest Plan generally fell into two positions: supportive of protecting wilderness character and ultimately supportive of Congressional action to designate areas as wilderness, or supportive of motorized or mechanized use and either discounting its effect on wilderness character or opposing the very idea of wilderness designation.

The bottom line for me is that the Forest Plan, after considerable analysis of values and public comment and discussion, did recommend four areas for Wilderness designation. Through that rigorous analysis, the Forest Service found compelling reasons that elevated these areas above all the other roadless areas on the Forest and led to the wilderness recommendation in the Forest Plan. Until such time as the Forest Plan is revised or Congress makes a decision to either designate these areas as Wilderness or clearly reject them, management of those areas needs to protect the values that resulted in them being recommended for Wilderness designation in the first instance. The Forest Plan was also clear in the management of those areas to “protect” wilderness character.

Motorized and mechanized vehicles continue to increase in capability and popularity and given this trend, increased pressure on areas recommended for Wilderness seems inevitable unless those uses are restricted. I think that allowing motorized and mechanized use of vehicles in RWAs will reduce the future Wilderness potential of these areas and thereby does not meet Forest Plan direction. See FEIS Appendix E-11, indicating that two elements of Wilderness attributes have declined between 1987 and 2005 due to impacts from trail use and snowmobiles. Regulating or limiting motorized and mechanized uses to some low level, rather than prohibiting the uses, is not feasible nor practical in this decision. Unlike National Parks, access to the national forests is

unregulated. There are many access points to the Forest and no feasible or economic means of regulating entry. Accordingly, I am deciding to restrict all motorized use and bicycle use in these areas with the exception of summer use on the Fish Lake Trail (Trail 419). See the Recommended Wilderness Area section of this ROD for more discussion.

### **Environmentally Preferred Alternative**

Many comments were received during scoping and during the comment period for the DEIS both in favor of and against motorized and mechanized uses in RWAs. Alternative D (which would close Fish Lake Trail (Trail 419) to Fish Lake) is the environmentally preferred alternative for RWAs. However, I find that there are minimum resource tradeoffs with Alternative C Modified, and they are acceptable to retain the popular summer recreation use of Fish Lake Trail (Trail 419). Alternative C Modified is consistent with direction in the Forest Plan regarding these areas, and complies with the Forest Manual.

## ***MINIMIZATION CRITERIA***

### **Context for the Decision Applying the Minimization Criteria**

My designations of areas and routes for motorized and mechanized vehicle use require me to consider, with the objective of minimizing, the effects of those designations on the resources and uses listed at 36 CFR 212.55(b).

“Minimization,” as used in the regulations and the underlying Executive Order (EO) is not defined. However, the EO states a clear purpose focusing on the outcomes of protection of resources, safety of users and minimization of conflicts. The EO’s clear outcome-based purpose is stated as follows:

*“Section 1: Purpose: It is the purpose of this order to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.”*

The Ninth Circuit Court of Appeals “assumes that the Travel Management Rule (TMR) requires the Forest Service to comply with the minimization criteria in a manner that is feasible, prudent, and reasonable in light of the agency’s multiple-use mandate” and does not impose an “absolute, discernible limit” on off-road motorized use (WildEarth Guardians v. USFS, 790 F.3d 920, 930 footnote 10 (9<sup>th</sup> Cir. 2015)). To that end, the following discussions provide what I believe are important contexts for understanding what minimization means, here and now, on the Nez Perce-Clearwater National Forest (NPCNF). It is also important to the understanding of why I believe my decision represents the feasible, prudent, and reasonable application of these criteria.

Prior to the 1970s, motorized and mechanized vehicle use was permissible anywhere on the NPCNF (except congressionally designated Wilderness areas), subject only to terrain,

vegetation and vehicle performance limitations. About this time, off-road vehicle use, nationally, was growing rapidly and environmental concerns were heightened. In response to these concerns, President Nixon signed EO 11644, as amended by EO 11989, in 1972. Section 3 of the EO required each agency to, “develop and issue regulations and administrative instructions... to provide for administrative designations of the specific areas and trails on the public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted...” The Forest Service promulgated its regulations in 1978 (see 43 FR 20006 [May 210, 1978] and 36 CFR Part 295 [2000]). These regulations have now been superseded by the 36 CFR Part 212 regulations.

Starting in the 1980’s, the NPCNF began limiting off-road vehicle use, and in many areas of the Forest these limitations were reflected in the 1987 Forest Plans and site-specific decisions. The Forest made additional decisions in the 1990’s to further limit off-road vehicles.

Section 8 of the Executive Order sets out requirements for monitoring use and adjusting designations over time. The *“agency shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order as necessary to further the policy of this order.”* For over 35 years now, the NPCNF has been monitoring the effects of off-road vehicle use and, when necessary to further the policy of this order or to otherwise further the purposes for which the National Forest was established, has amended or rescinded motor vehicle designations.

The 1987 Forest Plan, in essence, defines what the agency’s multiple-use mandate means on the NPCNF. As such, it specifically considered what is “feasible, prudent, and reasonable in light of the agency’s multiple-use mandate.” As I apply the TMR’s “minimization criteria” to this decision, it is important to understand that the 1987 Forest Plan, under the mandates of the Multiple Use Sustained Yield Act and National Forest Management Act, had to tackle the issue of finding balance between the various uses of NPCNF lands. Important programmatic decisions made in the Forest Plan include what lands are suitable for various uses, including motorized uses, and what uses are compatible with each other (or where they may be compatible, even if some level of “conflict” would exist). Furthermore, to accommodate the many uses of these lands, the plan geographically separates some uses providing, for example, non-motorized areas where recreationists can reasonably expect a quiet outdoor experience and others where one should not anticipate the same.

However, I am mindful that forest plans are permissive by nature. While certain uses may be permissible under the plan, the plan itself does not require those uses to occur. Nevertheless, the 1987 Forest Plan provided my framework for what is “feasible, prudent, and reasonable” as I applied the TMR’s “minimization criteria” to this decision and, to the extent that current resource conditions allow, I should strive towards achieving the overall balance envisioned by the plan.

I am also mindful that choosing not to designate an area open to motorized and mechanized vehicle use excludes a specific use. As a result, decisions to prohibit motorized and mechanized use in certain areas should be meaningful by substantially contributing to the sustainability of that use.

Congress has established the purposes for which National Forests are to be managed:

“National Forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes” and these surface resources are to be administered for, “multiple use and sustained yield” (Multiple-Use Sustained-Yield Act of 1960).

“Multiple use” means: The management of all the various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; that some land will be used for less than all of the resources; and harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output.” (16 U.S.C. § 531).

I have included the entire definition of “Multiple Use” from the Act here because, in considering and applying the language of the EO to National Forest lands, it must be considered in context of the laws that existed at the time it was enacted as well as in light of all the laws Congress has passed. This affects how we consider, weigh, and manage all the resources and values of our National Forests and, in this case, the NPCNF.

Recreation is one of the multiple uses provided by the NPCNF. Recreation opportunities on the NPCNF include motorized and mechanized travel, back-country and cross-country skiing, snow-shoeing, dog sledding and downhill skiing. During the over-snow season, most Forest seasonal roads are closed due to snow and are available for use by snowmobiles (unless the area is closed to motorized travel) and other winter recreationists. Snowmobiling has been a popular winter recreation activity on the NPCNF since at least the mid-1960s. Alternative C Modified not only continues providing both motorized and non-motorized winter recreation opportunities on the NPCNF, it also contributes to social and economic desires of local residents. I recognize that it does not provide motorized opportunities everywhere and some cherished places have been closed to motorized access. Other multiple uses addressed by the Forest Plan include vegetation, wildlife, aquatic resources, fire management, suitable range and timberland and wilderness recommendations.

Except for the comparatively limited focus of the EO, there are only nominal differences in practice between the EO’s purpose to “minimize conflict among the various uses of

those lands” and the responsibility to integrate and manage the “various renewable surface resources of the national forests so that they are utilized in the combination that will best meet the needs of the American people.” This dual integration requirement is a daunting task. However the EO, the Multiple-use Sustained Yield Act, Forest and Rangeland Renewable Resources Planning Act, and National Forest Management Act neither require nor anticipate that the current decision be the ultimate answer for all time. Each anticipate periodic adjustment as conditions and needs change.

As with previous adjustments, what is right for today will be monitored and may be further adjusted over time. I have emergency closure authority for urgent needs such as resource damage or user safety. In the context of Forest Plan revision, the RWAs and management direction for them will be reviewed. This could potentially change future travel management and could result in changes to this decision.

I have considered the potential effects from motorized and mechanized use on big game wildlife and the resources cited in the minimization criteria. I evaluated the applicable resource data, as discussed in detail below, and applied the minimization criteria to reach my decision with the intent of minimizing effects from OSV use to each of the criteria resources. I applied the criteria to the RWAs specifically.

Table ROD-2 provides project file and FEIS references documenting how my decision will minimize effects on forest resources:

**Table ROD-2: Project File and FEIS References Regarding Minimization of Effects on Forest Resources**

Folder/ Document #	Document Name	Chapter/ Page	APPLICABILITY TO ISSUE
S113ROD/S113-00004	RWA DROD	ROD-12	It is the Forest Supervisor’s interpretation that meeting Forest Plan standards, moving forest resources toward the goals and objectives described in the Forest Plan, and complying with all state and federal regulations will minimize effects on Forest resources (ROD-12).
S113ROD/S113-00004	RWA DROD	ROD-13 through ROD-14	The selected actions comply with Forest Plan standards, goals, and objectives (ROD-13 through ROD-14).
S102BackgroundDocuments/S102-00006	FEIS	23, 34, 35, 39-41, 45, 46	FEIS discussion of Forest Plan goals and objectives intended to minimize effects on Forest resources.
S102BackgroundDocuments/S102-00006	FEIS	65	FEIS discussion of alternatives and how their design would minimize effects on Forest resources.
S102BackgroundDocuments/S102-00006	FEIS	107, 157, 226, 234, 257, 267, 269, 272, 274, 275, 280, 290, 327, 339, 350, 351	FEIS effects analysis, demonstrating how implementation of the alternatives would minimize effects on Forest resources.

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Folder/ Document #	Document Name	Chapter/ Page	APPLICABILITY TO ISSUE
S113ROD/S113-00004	RWA DROD	ROD-15, 16	Management of Fish Lake Trail (Trail 419) #419 was the subject of much discussion during the analysis. Various management options were proposed and evaluated during alternative development. Fish Lake Trail (Trail 419) is mentioned in several places in the RWA DROD, but this page best summarizes the Forest Supervisor's rationale for choosing to allow motorized uses on the trail. Part of the rationale for leaving this trail open to summer motorized use is based on prior litigation that determined wilderness values were being protected in this area due to implemented resource protection measures.
S102BackgroundDocuments/S102-00006	FEIS	30, 64-66, 70, 77, 90, 105-109, 132-133, 136-138, 140, 152-154, 204, 248, 251, 339	FEIS references to the Fish Lake Trail (Trail 419).
S102BackgroundDocuments/S102-00015	FOC vs USFS, Memorandum Decision and Order	26-27, 32-33, 37	Pages 26-27, 32-33, and 37 of the FOC vs USFS Memorandum Decision and Order, taken together, indicate that although the Forest Service may not have correctly described how the minimization criteria were applied when selecting routes for motorized use, 1) allowing some managed motorized access in RWAs was not "arbitrary and capricious," and 2) a route-by-route discussion of the selected routes is not necessary. A more detailed discussion of these paragraphs is provided below.
S102BackgroundDocuments/S102-00015	FOC vs USFS, Memorandum Decision and Order	26-27	Regarding MA B2 (RWAs): "The Court finds that neither the Forest Plan nor the terms of the Stipulation of Dismissal are violated by the Forest Service's decision to allow some limited motorized use in these areas in the Travel Plan. ... The Forest Service has provided a reasoned explanation for its decision to exercise its discretion and allow some motorized use in these areas. Thus, the Forest Service did not act arbitrarily or capriciously in deciding to allow some managed motorized access in RWAs.
S102BackgroundDocuments/S102-00015	FOC vs USFS, Memorandum Decision and Order	32-33, 37	Regarding consideration of the minimization criteria: "The Court finds that Defendants have properly considered the minimizing criteria but have failed to demonstrate that it selected motorized routes 'with the objective of minimizing' their effects." "The court finds the Forest Service has demonstrated that it considered the minimizing criteria listed in the Executive Orders and the Travel Management Rule."
S102BackgroundDocuments/S102-00015	FOC vs USFS, Memorandum Decision and Order	33	Regarding a route-by-route discussion of how the minimization criteria were applied: "The Court finds that the Forest Service is not necessarily required to conduct a route by route specific analysis as to how it has applied the minimizing criteria in every case in order to satisfy these provisions of law."
S101BABE/S101-00006	USFWS Biological Opinion	1	The USFWS concurred with the Clearwater National Forest's determinations for listed species and critical habitat.

Folder/ Document #	Document Name	Chapter/ Page	APPLICABILITY TO ISSUE
S101BABE/S1 01-00008	NOAA Biological Opinion	1	The NOAA concurred with the Clearwater National Forest's determinations for listed species and critical habitat.

## ***APPLICATION OF THE MINIMIZATION CRITERIA (36 CFR § 212.55(B))***

### **Damage to soil, watershed, vegetation and other forest resources**

All action alternatives would limit motorized and mechanized use, including access to dispersed campsites, to within 300 feet either side of designated routes. This would reduce the amount of lands vulnerable to erosion by cross-country use (FEIS page 284).

Alternative C Modified would minimize effects on soils resources by reducing the miles of trails open to motorized use on landtypes with high soil surface erosion potential, while continuing to meet multiple use objectives by retaining summer recreational use of Fish Lake Trail (Trail 419). Forestwide, under Alternative C Modified, the miles of trails open to motorized use on landtypes with high soil surface erosion potential would be reduced to 81 miles, compared to the existing condition of 109 miles (FEIS page 285).

This decision selects the portions of Alternative C Modified that apply to RWAs. As discussed on page ROD-6, Alternative D would reduce effects on RWAs more than Alternative C Modified by closing Fish Lake Trail (Trail 419) to motorized and mechanized use.

Fish Lake Trail (Trail 419) is a two-mile "road" within the Hoodoo RWA. It began as a dozer road, constructed during the 1970's to access a fire, replacing a trail which had been established in earlier years. After the fire, full-size vehicle were able to use the dozer road to access Fish Lake for several years. The trail was later closed to full-size vehicle traffic, and is currently managed as a motorized trail open to ATV's, motorcycles, and bicycles, as well as non-motorized uses such as horses and hikers. A recent lawsuit concluded that resource protection structures and traffic control devices on Fish Lake Trail (Trail 419) protect wilderness character, even though they have some negative effect on wilderness character attributes (FEIS pages 132-133).

The TMR requires the Forest Service to comply with the minimization criteria while meeting the agency's multiple-use mandate (page ROD-18). I find that there are minimum resource tradeoffs with Alternative C modified, and they are acceptable to retain the popular summer recreation use of Fish Lake Trail (Trail 419).



### **Water Quality**

Currently, cross-country motorized and mechanized travel is permitted within RWAs. The potential effects of cross-country motorized travel on watershed resources include increased runoff, exposed soil, erosion, and sedimentation. The effects of cross-country travel on water quality and aquatic habitats increase with motorized cross-country travel is within riparian areas and adjacent to stream channels (FEIS page 231). Cross-country motorized travel, especially in meadows, riparian areas, and stream channels is considered illegal if resource damage can be proven, but this is difficult in remote areas where unauthorized user-established trails have been created (FEIS page 232). My decision to select Alternative C Modified will eliminate cross-country motorized and mechanized use within RWAs, minimizing potential effects on watershed resources.

### **Harassment of Wildlife and Significant Disruption of Wildlife Habitat**

My decision designating motorized and mechanized uses, while minimizing the effects of those designations in terms of the harassment of wildlife and significant disruption of wildlife habitat, considers the 1987 Forest Plan, information and data presented in the 2011 FEIS, and recent clarification of the significance of the Fish Lake Trail (Trail 419) on EHE and/or elk security for Fish Lake Trail (Trail 419).

Under Alternative A (No Action), elk habitat security and other wildlife habitat is probably adversely affected by indiscriminate cross-country motorized vehicle use in all MAs, including RWAs (MA B2). My decision will probably result in a non-measurable improvement in elk habitat security across the Forest because cross-country travel is currently limited by dense vegetation and steep topography; however, some critical habitat features such as salt licks, meadows, and openings would benefit from restricting cross-country travel (FEIS page 338). Alternative C Modified would increase acres of elk habitat security in MA B2 from a total of 158,563 acres to a total of 178,049 acres (FEIS page 336).

During the objection process, some objectors recommended closing Fish Lake Trail (Trail 419) to motorized and mechanized uses to protect wildlife habitat in RWAs. To adopt this recommendation within the framework of the agency's multiple use mandate, I would need to expect that restricting motorized and mechanized use on Fish Lake Trail (Trail 419) would contribute meaningfully to sustaining healthy wildlife populations. However, the FEIS and subsequent analysis does not indicate that this closure is needed to protect wildlife resources.

The Forest conducted a clarifying analysis in June 2017, specific to Fish Lake Trail (Trail 419) which found that the only motorized use in MA B2 would be Fish Lake Trail (Trail 419), which is important to the recreational users of the area. Elk habitat analyses show that the motorized use of Fish Lake Trail (Trail 419) would have no effect on current Elk Habitat Effectiveness (EHE) as the motorized trail is part of the existing landscape and is not the cause of EHE being lower than Forest Plan Standards in the Fish Lake Elk Analysis Area (EAA)

Forest Plan Standards for Management Area B2 is 100% EHE. The selected alternative would not diminish current EHE. Dropping the motorized use of Fish Lake Trail (Trail 419) would not raise EHE to 100% because EHE within the Fish Lake EAA is ultimately limited to below 100% (Forest Plan Standards) as a result of habitat conditions (i.e. the existing juxtaposition and size of foraging areas). Because habitat conditions prevent EHE from ever reaching 100%, the analysis states that activities within the Fish Lake EAA should maintain and not diminish EHE. Retention of motorized use of the 419 Trail maintains current EHE.

The objectors' recommendations are not consistent with the balance of multiple uses that the Forest Plan directs us to provide. Based on the 2011 FEIS analysis for wildlife resources and the recent clarifying analysis, closing RWAs to motorized and mechanized uses with the exception of Fish Lake Trail (Trail 419) will comply with the minimization criteria by protecting wildlife resources in a manner that is feasible, prudent, and reasonable in light of the agency's multiple use mandate.

#### **Conflicts between motor vehicle use and existing or proposed recreation uses of National Forest System lands or neighboring Federal lands**

Alternative C Modified retains opportunities for some lengthy motorcycle loop trips outside of RWAs, while increasing protection for wildlife, fish, and wilderness character. Bicycle opportunities within RWAs would be reduced, but few of the trails within RWAs currently open to bicycles receive much use due to their condition and grades. Existing restrictions on bicycles outside of RWAs would be removed for most routes (FEIS pages 76-77).

Alternative C Modified will exclude over-snow vehicles from RWAs. High-elevation hill climbing and other challenging snow play opportunities will be reduced, compared to the existing condition, but not all of the "lost" terrain is actually usable by over-snow vehicles. Theoretically, opportunities for non-motorized winter recreation would increase by a comparable amount, but again, not all of the terrain is actually usable by non-motorized recreationists (FEIS page 78).

"Back-country" areas of the Forest are, for the most part, either inventoried roadless areas or RWAs. Existing summer uses within RWAs include horseback riding/packing, hiking, motorcycles, and bicycles. Winter uses are limited for the most part to over-snow vehicles. Current non-motorized cross-country ski and snowshoe activity is limited in most of the backcountry (FEIS pages 89-90).

Alternative C Modified would restrict cross-country motorized and mechanized travel within RWAs. However, this alternative would favor many motorized users by providing more single-track motorized opportunities outside of RWAs than either Alternative C or D (FEIS page 106).

Based on the 2011 FEIS analysis for recreation resources, closing RWAs to motorized and mechanized uses with the exception of Fish Lake Trail (Trail 419) will comply with the minimization criteria by providing a variety of recreation opportunities, while

protecting wilderness character within RWAs, in a manner that is feasible, prudent, and reasonable in light of the agency's multiple use mandate.

## **PUBLIC INVOLVEMENT**

### **SCOPING**

The Clearwater National Forest 2005 Travel Guide was released to the public in July 2005. The 2005 Travel Guide provided the public with a preview of how the Forest Service would approach travel management in the future. It described the roads and trails in the 2005 guide as the Clearwater National Forest's idea of a designated system, and invited comments about what a designated system should include. A formal news release was advertised in July 2006, encouraging anyone interested in travel on the Clearwater National Forest to get involved in the travel planning effort. The Forest requested suggestions for motorized routes that already existed on the ground, but were not part of the initial designated system described in the 2005 Travel Guide. Public information packets were available at the Supervisor's Office and at each Ranger District Office, and included forms to be used for suggesting additional routes that might not appear on the current designated system. Additional information about travel planning, the Travel Management Rule, and how to suggest a route for consideration has been posted on the Clearwater National Forest website since 2006. The Clearwater National Forest Travel Planning EIS has been listed in the Schedule of Proposed Actions (SOPA) since April 2007.

Beginning in 2006 and continuing through 2010, representatives from the Clearwater National Forest met with county commissioners, local outfitters and guides, the Nez Perce Tribe, the Idaho Department of Fish and Game, Congressional staff, and various industry and recreational groups to share information about the Clearwater National Forest's travel planning effort and to solicit participation by interested individuals.

On November 13, 2007, a legal notice announcing the proposed action was advertised in the Lewiston Morning Tribune (the Clearwater National Forest's newspaper of record), initiating the formal scoping period. Legal notices were also published in the Clearwater Progress and the Clearwater Tribune, local newspapers based in Kamiah and Orofino, on November 15, 2007. A Notice of Intent to prepare an Environmental Impact Statement was published in the Federal Register on November 28, 2007. To provide ample opportunity for all interested parties to comment on the proposal, the scoping period was extended through February 2008.

Open Houses were held in Moscow, Idaho on December 17, 2008, in Kamiah, Idaho on December 18, 2008, and in Orofino, Idaho on December 19, 2008. Forest Service representatives were present at the Open Houses to share information about the Clearwater National Forest's travel planning project with interested persons, and to answer questions. Forms were available at the Open Houses so that attendees could easily submit comments and suggestions.

The Forest received over 4,000 scoping comments, including letters, emails, and comments that were presented at the Open Houses.

## ***DEIS COMMENTS***

The DEIS was advertised for public comment beginning July 17, 2009. The comment period was extended through October 2, 2009. Five hundred Forty Five (545) comment documents were received, containing more than 3,000 individual comments. The IDT evaluated these comments to identify the significant issues that drove alternative development for the FEIS. Issue identification and alternative development are discussed in more detail in the FEIS in Chapter 2.

## **FINDINGS REQUIRED BY OTHER LAWS, REGULATIONS, AND POLICY**

### ***CONSISTENCY WITH FOREST PLAN***

The National Forest Management Act implementing regulations require me to ensure that my decision is consistent with the Clearwater Forest Plan (36 CFR 219.10(e); 1982). See Table ROD- 2 in this document for a brief summary of how the selected actions comply with Forest Plan standards. In some cases the Forest Plan contains goals, objectives, and/or standards might appear to be conflicting for different resources in the same management area. In those cases, I have described my interpretation of the intent of the Forest Plan in the project file and the rationale for my decision in this Record of Decision. Based on the analysis in the FEIS, I have concluded that my decision is consistent with the Forest Plan.

### ***PRIOR ADMINISTRATIVE REVIEW***

The Record of Decision for the Clearwater Travel Planning FEIS was advertised in January 2012. The 45-day appeal period for the decision began January 12, 2012. The Region 1 Regional Forester received twenty-six appeals. Twenty of those appeals were carried forward. Six were dismissed because the appellants did not have standing to appeal. Informal resolution meetings were held from March 2 through March 9, 2012. No appeals were dismissed through the informal resolution process.

In response to the appeals that were received, the R1 Regional Forester upheld the January 2012 decision, but instructed the Forest to clarify portions of the FEIS analysis for aquatics and wildlife. The Forest forwarded its response to the Regional Forester on October 19, 2012.

Three lawsuits were eventually filed challenging the Forest Supervisor's January 2012 Travel Planning decision. These are described in detail in the "Litigation and Updated Decision" section.

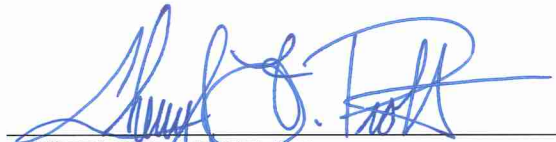
This decision is subject to the objection process, pursuant to 36 CFR 218.

The 45-day objection period for the Draft Record of Decision began July 5, 2016. The Reviewing Officer has responded in writing to all objections, and all concerns and instructions identified by the Reviewing Officer in the objection process have been addressed. A Notice of Availability for the FEIS was advertised in the Federal Register on January 7, 2012 for a 30-day review period.

All requirements under 36 CFR 281 have been met, and the objection process is complete. This decision may be implemented immediately.

### **CONTACT PERSON**

For additional information concerning this decision or the Forest Service objection process, please contact Zoanne Anderson, NEPA Planner, at 208-963-4209 or by email at [zanderson@fs.fed.us](mailto:zanderson@fs.fed.us).

  
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CHERYL F. PROBERT  
Forest Supervisor

10-31-17  
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Date

